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October 18, 2004

VIA ECFS

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Room CY-B402
Washington, D.C. 20554

**Re: Notice of Ex Parte Presentation, Unbundled Access to Network
Elements, WC Docket No. 04-313; Review of the Section 251
Unbundling Obligations of Incumbent Local Exchange Carriers, CC
Docket No. 01-338**

Dear Ms. Dortch:

Telscape Communications, through its attorneys, files this *ex parte* notice of presentation. On October 15, 2004, Jeff Compton of Telscape Communications, Danny E. Adams and Genevieve Morelli of Kelley Drye & Warren LLP, met with the following individuals to discuss the issues raised in the above-referenced proceeding pertaining to unbundled network elements:

Cathy Zima, Wireline Competition Bureau, Industry Analysis and Technology Division
Gail Cohen, Wireline Competition Bureau, Competition Policy Division
Russ Hanser, Wireline Competition Bureau, Competition Policy Division
Jeremy Miller, Wireline Competition Bureau, Competition Policy Division
Marcus Maher, Wireline Competition Bureau, Competition Policy Division
Ian Dillner, Wireline Competition Bureau, Competition Policy Division

Marlene H. Dortch, Secretary
October 18, 2004
Page Two

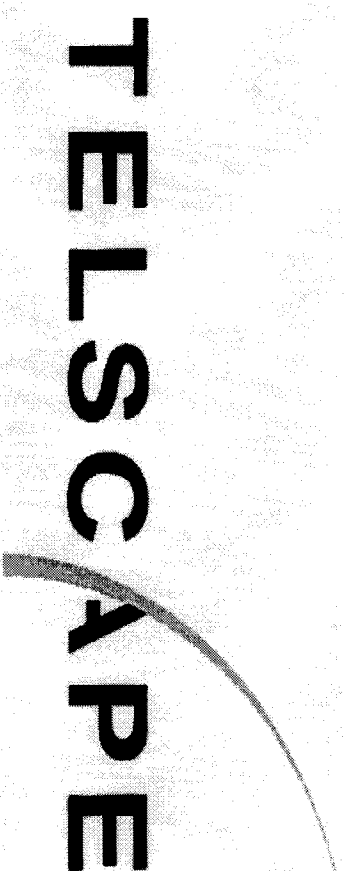
During the meeting, Telscape Communications distributed the attached presentation, which summarizes the substance of the meeting, and left a copy of its publicly filed Comments dated October 4, 2004. Please contact me at (202) 955-9785 if you have any questions regarding this filing.

Respectfully submitted,



M. Nicole Oden

cc: Attachment



TelScope Communications

Company Overview

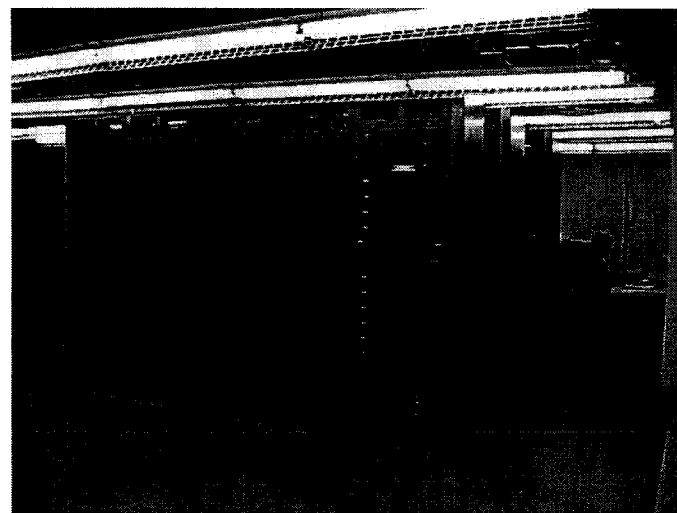
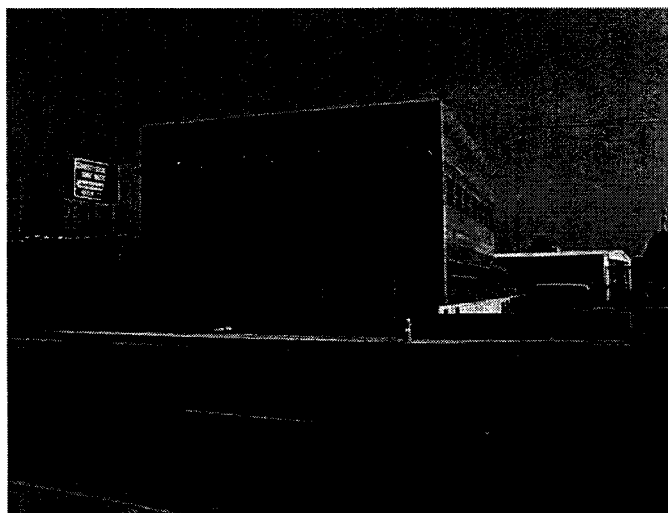
Telscape Communications

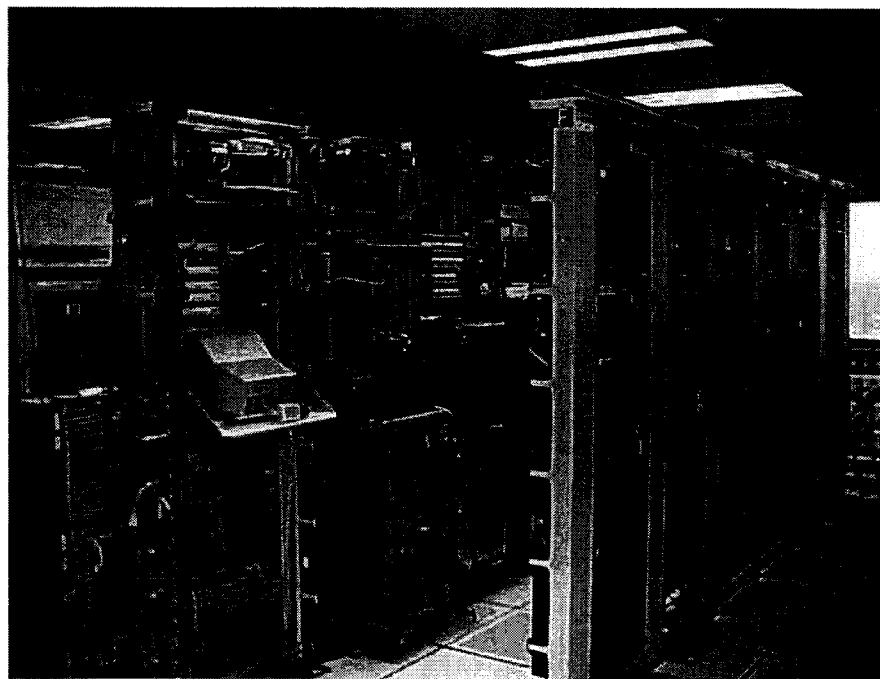
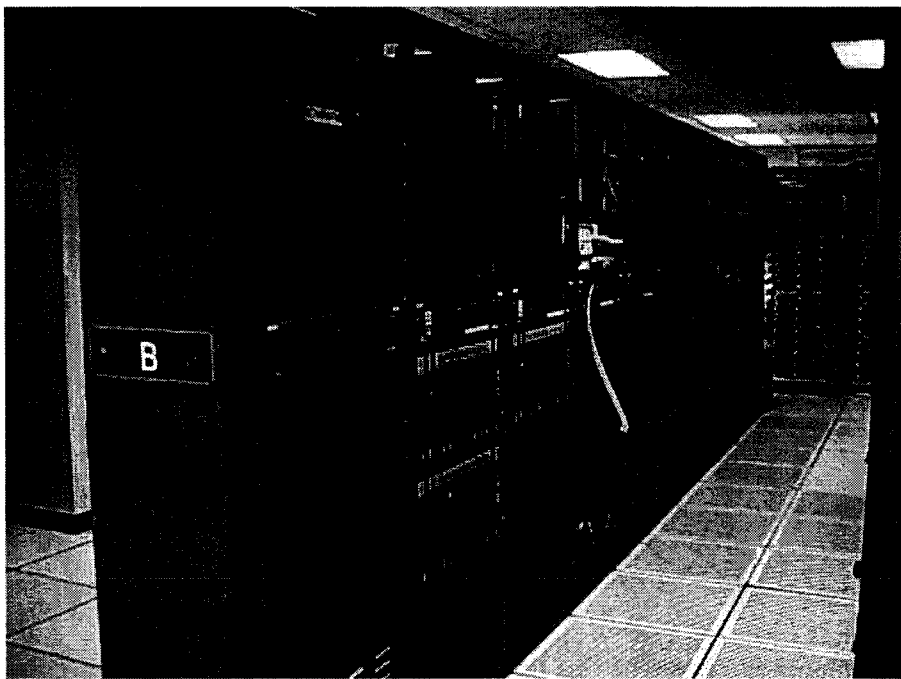
Customer Profile (90,000 current subscribers)

- 99.3% residential end users with local and long distance bundles
- 93% Spanish speaking dominant households
- 70% ULTS/Universal Service program participants
- 90% inner-city residents

Company Profile

- 320 employees (over 80% minority employees)
- Good paying jobs in inner-city locations

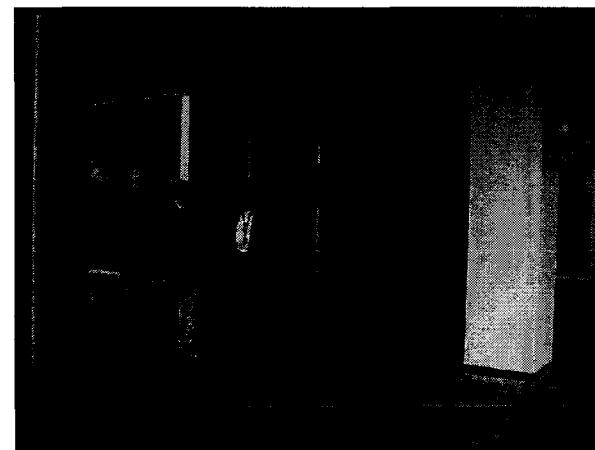
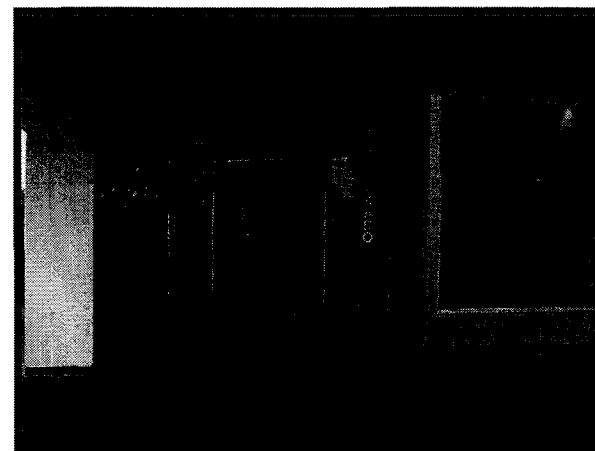




Ex parte presentation
CC Docket No. 01-338
October 15, 2004

TELSCAPE

- Telscape has created a different cultural experience in telecommunications with community based customer service centers know as Telemercados.
- Store locations include:
 - Huntington Park, CA
 - Panorama City, CA
 - Chula Vista, CA
 - Santa Ana, CA
- Telemercados allow you to pay your bill, buy phone equipment and services, and make calls all in a culturally relevant environment with business processes customized for a traditionally underserved market.



Company Profile and Growth Model

Telscape At-A-Glance

- Telscape is a facilities-based CLEC focused on the US Hispanic market currently operating in Los Angeles and San Diego, which have a combined population of 7.8 million Hispanics.
- Growth is only sustainable through a two pronged approach:
 - Facilities investment, UNE-L residential deployment
 - UNEP & unbundled transport as an entry tool to equalize cost of customer acquisition with the ILEC
 - Unbundled transport in conjunction with switching is essential in equalizing scale in market entry

Ex parte presentation
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Telscape

- **The Commission Should Preserve Unbundled Local Switching As A UNE.**
 - If local switching is eliminated as a UNE Consumers will be harmed because geographic competitive growth will be greatly reduced and the traditionally underserved markets of the low-income and inner-city will continue to be underserved.
 - Unbundled local switching enables an entrant to build the density needed to justify facilities deployment.
 - Unbundled local switching enables carriers to gain a sufficient foothold in a market to justify the collocation of facilities.

Telscape

- **The Commission Should Ensure Reasonable Loop Availability.**
 - The availability of EELs and DS3 transport directly impact the cost and availability of strategies utilizing DS0.
 - Because of the extraordinary cost of constructing interoffice transport facilities, it is not economic to build unless a CLEC has accumulated a very large volume of traffic on a particular route.
 - Without access to the UNE-Loop, basic and advance communications such as VoIP and broadband rollout will be stifled.

Telscape

- **The Commission Should Act to Defend Reasonable Hot Cut Pricing and Processes.**
 - The ongoing failure of ILECs to perform hot cuts efficiently, as well as the high cost of hot cuts, pose substantial barriers to entry for competitive carriers.
 - Eliminating unbundled local switching as a network element will dramatically increase the number of hot cuts ILECs will have to process.
 - Before ILECs are permitted to cease providing local switching as a section 251(c)(3) UNE, the Commission must ensure efficient hot cut procedures to accommodate the volume of requests ILECs will receive, at reasonable rates, for single hot cuts, bulk hot cuts, and batch hot cuts .

Telscape

- **Special Access Services Are Not A Solution For The Impairment Experienced By Clecs Using High Capacity Facilities.**
 - The mere availability of special access facilities should be accorded no weight in any impairment analysis.
 - Where CLECs utilize tariffed special access services, they do so overwhelmingly, only where no real alternatives exist.
 - The availability of UNEs serve as a check on abuses by ILECs with respect to special access pricing (and provisioning).
 - If tariffed special access is the only option for CLECs to provide service to their customers, their ability to price their services in competition with ILEC service offerings would be further damaged.

Telscape

- **The Commission Should Not Exclude State PUC Involvement in Local Competition Matters.**
 - Through a more narrow focus on the issues, and a granular knowledge of local markets, state commissions have demonstrated their expertise and unique value to the process of overseeing issues particular to intrastate competition.
 - Telscape believes that the Commission must require carriers to file all commercially negotiated agreements with the applicable state commissions.

For questions or comments, please contact:

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